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GOVERNMENT OF INDIA

MINISTRY OF LAW

NOTIFICATION

New Delhi, the 29th November, 1949

No. SO. 27.—The following Order made by the Governor-General is published for general information:—

THE STATES' MERGER (UNITED PROVINCES) ORDER, 1949

WHEREAS full and exclusive authority, jurisdiction and powers for and in relation to the governance of the Indian States of Banaras, Rampur and Tehri-Garhwal are exercisable by the Dominion Government;

AND WHEREAS it is expedient to provide by Order made under section 290A of the Government of India Act, 1935, for the administration of the said States in all respects as if they formed part of the United Provinces;

AND WHEREAS for the aforesaid purpose it is expedient to amend the States' Merger (Governors' Provinces) Order, 1949, and the States' Merger (Chief Commissioners' Provinces) Order, 1949;

AND WHEREAS the views of the Government of the United Provinces have been ascertained both with respect to the proposal to make such an Order and with respect to the provisions to be inserted therein;

NOW, THEREFORE, in exercise of the powers conferred by the said section 290A and of all other powers enabling him in this behalf, the Governor-General is pleased to make the following Order:—

I. This Order may be cited as the States' Merger (United Provinces) Order, 1949.

2. In article 2 of the States' Merger (Governors' Provinces) Order, 1949 (hereinafter referred to as the Principal Order), for clause (b) the following clause shall be substituted, namely:—

“(b) “appointed day”, in relation to the States specified in Schedules I to VI, means the first day of August, 1949, and in relation to the States specified in Schedule VII, the first day of December, 1949;”.

3. In paragraph (1) of Article II of the Principal Order,—

(a) in clause (a), after the entry relating to Orissa, the following entry shall be inserted, namely:—

“United Provinces 232”;

(b) in clause (b), the following words shall be added at the end, namely:—

“and the total of seats in the Legislative Council of the United Provinces shall be increased by 1 and shall be not less than 58 and not more than 60”.

4. After Article II of the Principal Order, the following Article shall be inserted, namely:—

“12. As from the appointed day,—

(a) the jurisdiction of the High Court at Allahabad shall extend to the whole of the merged State of Rampur (hereinafter referred to as “Rampur”) as it extends to the United Provinces;

(b) the Bengal, Agra and Assam Civil Courts Act, 1887, shall extend to, and be in force in, Rampur as it extends to, and is in force in, the United Provinces;

(c) the Ijlas-e-Humayun, the High Court of Rampur and the other Civil Courts in Rampur (hereinafter referred to as “existing Civil Courts”) shall cease to function, and are hereby abolished;

(d) the Charter relating to the High Court of Rampur given by His Highness the Nawab of Rampur in July, 1948, shall stand repealed;

(e) all proceedings (including proceedings for confirmation of sentences of death) pending before the Ijlas-e-Humayun immediately before the appointed day shall stand transferred to the High Court at Allahabad and shall be heard and decided by that Court as if they had been proceedings instituted or commenced in that Court

or submitted to it for confirmation of a sentence of death by a Sessions Judge subordinate to that Court, in accordance with sub-section (2) of section 31 of the Code of Criminal Procedure, 1898;

- (f) all civil suits, execution cases and other proceedings (other than proceedings in company matters) instituted or commenced in the High Court of Rampur in the exercise of its original civil jurisdiction and pending before that High Court immediately before the appointed day shall stand transferred to the District Judge, Rampur;
- (g) all criminal trials instituted or commenced in the High Court of Rampur in the exercise of its original criminal jurisdiction and pending before that High Court immediately before the appointed day shall stand transferred to the Sessions Judge, Rampur;
- (h) every appeal, case and other proceeding (other than proceedings to which clause (f) or (g) applies, but not excluding proceedings in company matters) pending before the High Court of Rampur immediately before the appointed day shall stand transferred to the High Court at Allahabad, unless it be an appeal in a criminal proceeding and the sentence appealed against is a sentence of fine only or is a sentence of imprisonment for a period not exceeding five years, whether with or without fine, in which case it shall stand transferred to the Sessions Judge, Rampur;
- (i) all the powers and jurisdiction which under the law for the time being in force in Rampur were immediately before the appointed day exercisable by the High Court of Rampur in the exercise of its original jurisdiction shall be exercised by the District Judge, Rampur, or the Sessions Judge, Rampur, as the case may be;
- (j) where any existing Civil Court by reason of its abolition under clause (c) of this Article, ceases

to have jurisdiction with respect to any suit or proceeding, any proceeding in relation to that suit or proceeding which, if that Court had not ceased to have jurisdiction, might have been had therein, may be had in the Court to which the business of the former Court has been transferred under this Article;

- (k) all suits and proceedings pending immediately before the appointed day before any of the existing Civil Courts shall stand transferred to the lowest Court, established under the Bengal, Agra and Assam Civil Courts Act, 1887, as extended to Rampur, which would have jurisdiction to try or dispose of such suit or proceeding;
- (l) appeals from decrees and orders passed by the existing Civil Courts, but not appealed against before the appointed day, shall—
 - (i) in cases where such appeals would, before that day, have lain under the law in force in Rampur to the High Court of Rampur, lie to the High Court at Allahabad ;
 - (ii) in cases where such appeals would, before that day, have lain, under the law in force in Rampur, to any other existing Civil Court, lie to the corresponding Court established under this Article ;
- (m) any appeal from an order passed in a criminal case, but not appealed against before the appointed day, shall—
 - (i) if it is an appeal against an order passed by a magistrate and the appeal would, before such date, have lain under the law in force in Rampur to the High Court of Rampur, lie to the Sessions Judge, Rampur ;
 - (ii) if it is an appeal against an order passed by the High Court of Rampur in the exercise of its

original criminal jurisdiction, lie to the High Court at Allahabad;

- (n) nothing contained in clauses (l) and (m) shall be construed to extend the period of limitation to which any such appeal may be subject on the day immediately before the appointed day;
- (o) all decrees passed and orders made before the appointed day by the High Court of Rampur or by any of the existing Civil Courts and all sentences or orders passed in the exercise of criminal jurisdiction by the High Court of Rampur shall be deemed, for the purpose of execution, to have been passed or made by the corresponding court established under and in accordance with the provisions of this Article;
- (p) in so far as this Article makes no provision or insufficient provision, the High Court at Allahabad may make such order for the transfer of suits, cases or proceedings pending before the High Court of Rampur or an existing Civil Court to itself or to any Court in Rampur subordinate to it; and where any case, suit or proceeding is so transferred, the Court to which it is transferred shall hear and dispose of the same as if it had been a case, suit or proceeding transferred to it in accordance with the law for the time being in force; and
- (q) the abolition of the Ijlas-e-Humayun, the High Court of Rampur or the existing Civil Courts under clause (c) of this Article shall not prejudice or affect the continued operation of any notice served, injunction issued, direction made or proceedings taken before the appointed day by such Ijlas or Court under the powers then conferred upon it.

Explanation.—In clauses (l) and (o), the expression “corresponding Court” means a Court in which the case or proceeding in which the sentence or order was passed would have lain if the case or proceeding had been instituted after the appointed day.”

5. In the Schedules to the Principal Order, the following Schedule shall be added at the end, namely :—

"SCHEDULE VII

States merged in the United Provinces

| Number of seats in the Legislative Council | Names of States | Number of seats in the Legislative Assembly |
|--|---------------------------------------|---|
| 1 | { Rampur Bakasras Tehri-Garhwal | 2 2 2" |

6. (1) In Article 2 of the States' Merger (Chief Commissioners' Provinces) Order, 1949, for the words "Bhopal, Bilaspur and Rampur", in both the places where they occur, the words "Bhopal and Bilaspur" shall be substituted.

(2) The Amendments made by paragraph (1) of this Article shall have effect as from the first day of December, 1949.

C. RAJAGOPALACHARI,
Governor-General,

K. V. K. SUNDARAM,
Secretary.